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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/761,030 12/05/96 AHMAD

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WM01/1219

EXAMINER

MILLER, J

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/761,030**

Applicant(s)

**Ahmad et al**

Examiner

**John W. Miller**

Group Art Unit

**2611**



☒ Responsive to communication(s) filed on Sep 22, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-33 and 35-67 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1-17, 35-64, and 67 is/are allowed.
- ☒ Claim(s) 18-33, 65, and 66 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claim 18, 21-33, 65, and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Cobbley et al (5,614,940).

As to claim 18, note the Cobbley reference which discloses a method and apparatus for providing indexed broadcast information. The claimed means for displaying... and the claimed means for controlling... are met in part by the client system 140 (also, note the graphical user interface of Figure 2). The reference indicates at col. 11, lines 1+, that the interface of Figure 2 may be a display device coupled to the client system 140 or a television set coupled to a set top box. Either implementation involves the physical separation of the controller and the display.

As to claims 21-33, note once more the interface of Figure 2 and the corresponding disclosure of col. 11, lines 1+, where all elements of the claims are met.

As to claims 65 and 66, reference clearly specifies broadcasts in either analog or digital form.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al (5,614,940).

As to claims 19 and 20, the reference does not disclose a controller (such as that embodied by a computer or set top box) which is either portable or in 2-way wireless communication with a display. However, these features are not deemed to be patentable distinctions. That is, it is notoriously well-known in the art to provide portable computers, such as lap top computers, and to provide wireless connectivity between elements of a computer system. The examiner submits that it would have been clearly obvious to one of ordinary skill in

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the art at the time the invention was made to implement the Cobbley et al system accordingly to provide flexibility to the user in the interactive broadcast experience.

***Allowable Subject Matter***

5. Claims 1-17, 35-64, and 67 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims 1-17, 35, 59, 63, and 64, fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is stored in a cache and indexed for retrieval by requesting end users. The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al (5,774,664) reference discloses a system in which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather, the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time.

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As to claims 47-58 and 62, the prior art, alone or in combination, does not teach or fairly suggest the identification of boundaries of segments in a body of information, each segment comprising a contiguous related set of information in the body of information, wherein the body of information is represented by text data and video data, particularly through coarse and fine partitioning as set forth in the claims, and subsequently the selection of best occurring breaks.

As to claims 36-46, 60, 61, and 67, the prior art, alone or in combination, does not teach or fairly suggest the categorizing according to subject matter an uncategorized body of information in which a degree of similarity is determined between subject matter content of each previously categorized segment and an uncategorized segment.

### *Response to Arguments*

7. Applicant's arguments filed 9/22/00 have been fully considered but they are not persuasive.

Applicant argues with respect to claim 18 that the Cobbley reference does not disclose a 'means for controlling' which is physically separate from a 'means for controlling operation of the system. Applicant points to many facets of the displayed GUI of Figure 2 of the reference in order to substantiate the notion that the displayed GUI and the display itself are inseparable. However, the examiner clearly drew a distinction in the rejection between the display of the client system and the remainder of the client---often called the CPU. A GUI is simply a series of software routines, and a display device is a passive data output device. Consequently, it can not

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be said that a GUI is a means for controlling operation of a system. All other arguments to claims 18, 21-33, 65, and 66 appear to stand with the argument of physical separateness.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

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### **Certificate of Transmission**

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(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10. Any response to this final action should be:

(a) mailed to: Box AF

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(b) or faxed to: (703) 308-6306 or (703) 308-6296 for either formal communications (please mark "EXPEDITED PROCEDURE"), or informal or draft communications (please label "PROPOSED" or "DRAFT")

(c) or hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Miller whose telephone number is (703) 305-4795. The examiner can normally be reached on Monday through Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached at (703) 305-4380. The fax phone number for this Group is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

John W. Miller

December 17, 2000

  
John W. Miller  
Primary Examiner  
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